

Name: Achilles D. Corelleone

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FILED

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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY:

DEPUTY

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**ACHILLES D. CORELLEONE,**  
Plaintiff,

Case No. **'07 0V 2094 L (NLS)**

v.

**STATE OF CALIFORNIA,  
CITY OF SAN DIEGO, CA  
COUNTY OF SAN DIEGO, CA  
JOHN DOES 1 THRU 5,  
Et. Al, Respondents,**

**Complaint Under the  
Civil Rights Act  
42 U.S.C. § 1983**

**COMES NOW**, Achilles D. Corelleone, plaintiff, pro-se, and complains against  
the above named respondents as follows;

**Cal. Penal Code Ann. 647 (e) (West 1970)**, requires persons who loiter or wander on the streets to identify themselves and to account for their presence when requested by a peace officer. The California Court of Appeal has construed the statute to require a person to provide "credible and reliable" identification when requested by a police officer who has reasonable suspicion of criminal activity sufficient to justify a stop under the standards of **Terry v. Ohio, 392 U.S. 1**. The California court has defined "credible and reliable" identification as "carrying reasonable assurance that the identification is authentic and providing means for later getting in touch with the person who has

identified himself." The District Court held the statute unconstitutional and enjoined its enforcement, and the Court of Appeals affirmed.

***Held:***

The statute, as drafted and as construed by the state court, is unconstitutionally vague on its face within the meaning of the Due Process Clause of the Fourteenth Amendment by failing to clarify what is contemplated by the requirement that a suspect provide a "credible and reliable" identification. . As such, the statute vests virtually complete discretion in the hands of the police to determine whether the suspect has satisfied the statute and must be permitted to go on his way in the absence of probable cause to arrest. Pp. 355-361. *see Kolender v. Lawson, 461 U.S. 352 (1983).*

In **Kolender** the United States Supreme Court held that **California Penal Code 647 (e)** was unconstitutionally vague on its face within the Due Process Clause of the 14<sup>th</sup> Amendment yet the State of California, its cities, towns municipalities continue to enforce the state by ticket/summons, arrest and detention. Enforcement of this statute does in fact violate the rights of persons and is done knowingly, wantonly and willfully with total disregard of the rights people guaranteed by the Constitution of the United States. The 14<sup>th</sup> Amendment of the constitution reads as follows;

***Amendment XIV***

***Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.***

The plaintiff has been stopped in Santa Cruz, CA , Redondo Beach, CA, Oceanside, CA and San Diego, CA and Santa Monica, CA and has been detained and questioned by police. Police have always approached the plaintiff (with exception of San Diego) and asked "Do you mind if I talk to you?" . The plaintiff has always asked "About what, am I suspected of committing a crime?". The answer by the police, except in San Diego's case; the police have said that they had never seen the plaintiff before, then asked for his Identification. When the plaintiff has stated that the stop by police is not a "**Terry Stop**" and that he was being detained in violation of his rights, the police officers state that he is not detained. Yet when the plaintiff has asked if he is free to go the answer has always been no.

In the San Diego instance the plaintiff was standing outside of a church on 3<sup>rd</sup> and Date streets on August 26, 2007, when officers pulled up, got out of their car and approached a group of people standing waiting for an afternoon meal served by the church. The officers directed the question "**Are any of you here on probation or parole**" to everyone. The plaintiff was not wearing a shirt and has multiple tattoos on his arms, chest and stomach. An officer approached the plaintiff and asked "Are you on probation or parole?", the plaintiff stated he was not. The officer asked for the plaintiff's identification and the plaintiff asked why it was being requested. The officer stated that he was going to use the identification to see if the plaintiff was on probation or parole or had any outstanding warrants. The plaintiff stated he was not going to give his identification to the officer because it was in violation of a "**Terry Stop**" . The plaintiff asked the officer is he was suspected of committing a crime or what the officer's probable cause was. The officer responded "If you're on probation or parole or have a

warrant I don't need probable cause". The plaintiff again stated he would not provide his ID but would provide his name and Social Security number. The officer then stated that if the plaintiff did not want to cooperate that he would be placed under arrest. The plaintiff asked on what charges the officer would arrest him; the officer responded that the plaintiff was loitering and impeding an investigation. The plaintiff again asked what crime he was suspected of committing and the officer stated that the plaintiff was not suspected of committing a crime. The plaintiff asked why he was being detained and the officer stated the plaintiff was not being detained. The plaintiff asked if he was free to leave and the officer stated that unless the plaintiff provided some form of Identification he would be arrested. The officer then stated that he could hold the plaintiff for seventy two (72) hours in jail on an ID hold to determine who the plaintiff was. Fearing arrest on whatever charges the officer used to arrest the plaintiff, the plaintiff gave the officer his Identification. The officer then called in the plaintiff's information and got the response that the plaintiff was not on probation or parole and there were no outstanding warrants for the plaintiff. The officer gave the plaintiff his ID back and told the plaintiff that within ninety (90) days of contact by police, the plaintiff was required by law to obtain a California Identification. The officer then informed the plaintiff that California law requires any person to provide proper identification to a police officer whenever requested.

On October 24, 2007 the plaintiff and friends were sitting in Balboa Park at around 11:00 pm. Four officers surrounded the plaintiff and group of friends and turned on their flashlights. The officers asked for everyone's identification and then proceeded to search everyone. One officer held the plaintiff's hands behind his back and proceeded

to take everything from the plaintiff's pockets and lay them on the picnic table. The plaintiff asked the officer why he was being detained and searched and the officer stated the plaintiff was not being detained. The plaintiff asked if he was free to go and was told no he was not. The officer then asked the plaintiff what his "drug of choice was" to which the plaintiff stated he did not do drugs. The officer then said "Okay, you didn't understand my question I guess". "What is your drug of choice?" the officer asked again, to which the plaintiff again stated he did not do drugs of any kind. The officer then stated "It would be easy to find out, I could take you in and do a blood test". At that point the plaintiff stated "Fine, take me in and good luck getting a court order to get my blood without any probable cause to even detain me". The officer then asked "Are you getting smart with me?" The plaintiff stated "No but this does not qualify as a "Terry Stop" and I'm done being harassed, either arrest me or let me leave". The officer then stated "Leave and don't let me catch you here again tonight". The plaintiff and everyone else left and went to another part of the park. At approximately 3:00 am the plaintiff and his friends were sitting down talking and the same police officers approached them again. The officer from the first episode walked up to the plaintiff and asked "Didn't you all understand me when I told you to get out of this park?" Again the plaintiff and friends were searched and had all their pockets emptied. When the officers were done the officer stated "Now I'm going to tell you all one more time to leave the park and not come back tonight, if you do I am going to arrest you all even if I have to trump up the charges to do it." He then asked "Do you all understand?" Everyone said yes and the officers told the plaintiff and friends to leave now, which they did. In both instances the police searched everyone and emptied their pockets, took their ID's and ran them for warrants without

any probable cause and without any reasonable suspicion that there was a crime committed or about to be committed.

In every instance the police have violated the rights of the plaintiff protected by the 4<sup>th</sup> and 14<sup>th</sup> Amendments of the United States Constitution. The detention of the plaintiff without probable cause and with no proof or suspicion that the plaintiff has committed a crime or about to commit a crime is in fact a violation of the plaintiff's rights. The United States Supreme Court stated in **Terry v. Ohio**, 392 U.S. 1, 20 (1968), "on a balance between the public interest and the individual's right to personal security free from arbitrary interference by law officers."

'[W]henver a police officer accosts an individual and restrains his freedom to walk away, he has "seized" that person,' id., at 16, and the Fourth Amendment requires that the seizure be "reasonable.'" (**United States v. Brignoni-Ponce**, 422 U.S. 873, 878 1975). The Fourth Amendment, of course, "applies to all seizures of the person, including seizures that involve only a brief detention short of traditional arrest. **Davis v. Mississippi**, 394 U.S. 721 (1969);

The reasonableness of seizures depends "on a balance between the public interest and the individual's right to personal security free from arbitrary interference by law officers." **Pennsylvania v. Mimms**, 434 U.S. 106, 109 (1977); **United States v. Brignoni-Ponce**, *supra*, at 878.

The 4<sup>th</sup> Amendment to the United States Constitution states as follows;

#### **Amendment IV**

*The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants*

***shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.***

The California statute allowing police officers to detain and seize a person who loiter or wander on the streets to identify themselves and to account for their presence when requested by a peace officer has been held by the Court of Appeals and the United States Supreme Court to be unconstitutional. However, the law has never been revised or repealed, therefore it is being used to violate the rights of people. California is obviously operating under the belief that it is not required to follow the United States Supreme Courts decisions and that it can violate the rights of citizens. The California Statute 647 (e) basically allows police officers to stop anyone, anytime, without probable cause and demand that they provide proper identification. However, the statute does not, in detail, give a description of what proper identification is, this is left solely for the discretion of the police officer(s) to decide. Which on its face means; that any identification the officer is given is subject to the officer's whim and that he can arrest any person on the basis that the identification was not proper. Further, if the officer(s) were so inclined they could stop any person jogging or running and arrest them. It is a fact that many people do not carry their identification with them when running or jogging, therefore they are in violation of 647 (e) and subject to arrest.

'No right is held more sacred, or is more carefully guarded, by the common law, than the right of every individual to the possession and control of his own person, free from all restraint or interference of others, unless by clear and unquestionable authority of law.' **Union Pac. R. Co. v. Botsford, 141 U.S. 250, 251, 11 S.Ct. 1000, 1001, 35 L.Ed. 734 (1891).**

Unquestionably plaintiff was entitled to the protection of the Fourth Amendment as he walked down the streets in California. **Beck v. State of Ohio**, 379 U.S. 89, 85 S.Ct. 223, 13 L.Ed.2d 142 (1964); **Rios v. United States**, 364 U.S. 253, 80 S.Ct. 1431, 4 L.Ed.2d 1688 (1960); **Henry v. United States**, 361 U.S. 98, 80 S.Ct. 168, 4 L.Ed.2d 134 (1959); **United States v. Di Re**, 332 U.S. 581, 68 S.Ct. 222, 92 L.Ed. 210 (1948); **Carroll v. United States**, 267 U.S. 132, 45 S.Ct. 280, 69 L.Ed. 543 (1925).

“FN16. We thus decide nothing today concerning the constitutional propriety of an investigative 'seizure' upon less than probable cause for purposes of 'detention' and/or interrogation. Obviously, not all personal intercourse between policemen and citizens involves 'seizures' of persons. Only when the officer, by means of physical force or show of authority, has in some way restrained the liberty of a citizen may we conclude that a 'seizure' has occurred.” **Terry v. Ohio**, 392 U.S. 1, 20 (1968); also see **Beck v. State of Ohio**, 379 U.S. 89, 96--97, 85 S.Ct. 223, 229, 13 L.Ed.2d 142 (1964); **Ker v. State of California**, 374 U.S. 23, 34--37, 83 S.Ct. 1623, 1632, 10 L.Ed.2d 726 (1963); **Wong Sun v. United States**, 371 U.S. 471, 479--484, 83 S.Ct. 407, 416, 9 L.Ed.2d 441 (1963); **Rios v. United States**, 364 U.S. 253, 261--262, 80 S.Ct. 1431, 1437, 4 L.Ed.2d 1688 (1960); **Henry v. United States**, 361 U.S. 98, 100--102, 80 S.Ct. 168, 171, 4 L.Ed.2d 134 (1959); **Draper v. United States**, 358 U.S. 307, 312--314, 79 S.Ct. 329, 333, 3 L.Ed.2d 327 (1959); **Brinegar v. United States**, 338 U.S. 160, 175--178, 69 S.Ct. 1302, 1312, 93 L.Ed. 1879 (1949); **Johnson v. United States**, 333 U.S. 10, 15--17, 68 S.Ct. 367, 371, 92 L.Ed. 436 (1948); **United States v. Di Re**, 332 U.S. 581, 593--595, 68 S.Ct. 222, 229, 92 L.Ed. 210 (1948); **Husty v. United States**, 282 U.S. 694, 700--701, 51 S.Ct. 240, 242, 75 L.Ed. 629 (1931); **Dunbra v. United States**, 268 U.S. 435, 441,



45 S.Ct. 546, 549, 69 L.Ed. 1032 (1925); *Carroll v. United States*, 267 U.S. 132, 159--162, 45 S.Ct. 280, 288, 69 L.Ed. 543 (1925); *Stacey v. Emery*, 97 U.S. 642, 645, 24 L.Ed. 1035 (1878).

San Diego police also use the pretense of seeing if someone is on probation or parole to violate citizen's rights. Using this tactic allows the police to stop anyone at anytime and use this reasoning to violate a person's rights. With no safeguards in place to protect them selves, people are at the mercy of the police who decide to use this ruse as a means to stop, detain and harass an ordinary citizen who might be merely walking down the street. Police use this tactic all the time where ever homeless/transient persons gather for meals, food pantries or homeless services. Also, around San Diego there are signs posted on many building that state **"NO LIOTERING PURSUAND TO 647 (e)"** These tactics as well as **647 (e)** allow police to violate the rights of citizens and harass the homeless. Citing a homeless person for loitering also ensures that person will be arrested at a later date because they cannot afford to pay a fine/court costs. A homeless person is at greater risk for being cited/arrested under 647 (e) because they have no where to go and wander the streets in search of basic human necessities such as food and water. These people are not wandering the streets with "evil intent" or "criminal intent" they are merely trying to survive. Though there are some homeless who do commit crimes, the police have adopted the practice of treating all homeless persons as criminals and using laws and tactics that violate the rights of all persons. It is a fact that homeless people are an easy target for the police, many have drug and alcohol addictions, as well as mental/physical conditions.

It has long been held that ignorance of the law is no defense for crime(s); however when a law such as 647 (e), which has been ruled unconstitutional by the highest court in the land, is left in place and used to cite, arrest and jail people, then the law has become a tool to violate the rights of people. Therefore, the police use the ignorance of a person not knowing that the law is a violation of their rights to punish them.

### CLOSING ARGUMENT

It is unknown to the plaintiff if the police are aware that the statute 647 (e) has been ruled unconstitutional. Officers might very well be doing their job as they are trained based upon a tainted law, without the knowledge of the United States Supreme Courts rulings. If this is in fact the case than the burden must be placed upon the courts to intervene to ensure that the constitutional rights guaranteed to all people are protected.

In this matter the proper course by the Courts would to be permanent restraining orders and injunctions preventing the enforcement of **Cal. Penal Code Ann. 647 (e) (West 1970)**, by all state of California Law Enforcement. To do less would be to condone and allow the State of California to snub its nose at the United States Supreme Court. If the State of California is allowed to disregard the decisions by the United States Supreme Court then the U.S. Supreme Court has wasted its breath as well as tax payer's dollars on their decisions. If a private person disregarded important decisions by the courts they would be held accountable. In that reasoning, the State of California must be held accountable for willfully, knowingly and wantonly violating the rights of the plaintiff as well as countless other(s). The State of California cannot use the "ignorance of law" defense because ignorance of law is not a defense. In fact *Kolender v. Lawson*, 461 U.S. 352 (1983) is a California case, therefore the "I didn't know" excuse cannot be used. It is


the duty of the State to provide proper training to police to enforce laws to protect people. When the police use a law that is unconstitutional it defeats the training and purpose of the police regarding people. An officer on the street may well use the "I didn't know" defense because in reality, he may not know. It therefore becomes the duty of the State, attorney general as well as city attorneys to insure that the laws being enforced are constitutional before allowing the enforcement of the laws. The biggest burden however falls upon the government of the State of California for having failed to repeal/revise the law. Again there cannot be a "I didn't know" defense because of the *Kolander* case, which the U.S. Supreme Court made clear that they found **647 (e)** to be unconstitutional. The State of California did not repeal/revise the law, they simply decided to ignore a decision by the U.S. Supreme court and allow the law to remain exactly as it was. Also, the Courts at the City, County and State level are also to blame for enforcing this law and condoning its use. A defendant in a case relies upon a fair and impartial hearing/trial before the courts based upon drafting, passage and enforcement of laws that protect their rights. When the courts use a law that is tainted and ruled unconstitutional by the highest court of the land, they to become willing conspirators and participants in the violation(s) of people rights. **647 (e)** was ruled unconstitutional in 1983 and for over twenty (20) years this law has remained worded exactly as it was before the ***Kolender v. Lawson*** case. It maybe impossible to determine how many people have been subjected to punishment under **647 (e)** but now is the time to stop its enforcement and it is this courts duty to protect the rights guaranteed by the United States Constitution. The duty also falls upon this court to protect the rights of the plaintiff's that have been violated by the actions described herein and hold those responsible accountable.

**PRAYER FOR RELIEF**

**WHEREFORE**, the plaintiff prays for the flowing relief from this Honorable Court;

1. 1. Permanent Restraining Order(s) against the State of California, its Cities, Counties, Municipalities and all others in active concert with them from enforcing **Cal. Penal Code Ann. 647 (e)** against all persons within the State of California.
2. 2. Permanent emergency injunction preventing the enforcement of **Cal. Penal Code Ann. 647 (e)** against all persons within the State of California. Injunctive relief is requested to prevent irreparable damage/injury to the rights of all persons.
3. 3. Punitive damages in an amount to be determined by this Honorable Court.
4. 4. Declaratory relief to be determined by this Honorable Court.
5. 5. Compensatory damages to be determined by this Honorable Court.
6. 6. Any other relief this Honorable Court deems just and proper.

Dated this 1 day of November 2007

  
Achilles D. Corelleone, plaintiff, pro-se

JS 44 (Rev. 11/04)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

*Achilles D. Corelleone*

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

## DEFENDANTS

*State of California*  
*City of San Diego*  
*County of San Diego*  
*San Diego -*

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known) *07 NOV -1 AM 10:59* *2094* *L (NLS)*

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- |   |                                       |                                       |   |                            |                                       |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 855 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

*42 USC 1983*Brief description of cause: *State Penal Code 247(c) 15 unconstitutional violation of 42 USC and 14th Amendments of the Constitution*

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

*11-1-07**Achilles Corelleone*

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE